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Paper No. 16

FERNANDA M. FIORDALISI
BUCKNAM AND ARCHER
100 GARDEN CITY PLAZA
GARDEN CITY, NY 11530

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SEP 30 1996

OFFICE OF PETITIONS
A/C PATENTS

In re Patent No. 4,621,077 :
Issue Date: November 6, 1986 :
Application No. 06/618,578 : DECISION GRANTING PETITION
Filed: June 8, 1984 :
Inventor: Sergio Rosini et al. :

This is a decision on the statement under 37 CFR 1.28(c) received November 13, 1995, which is being treated as a petition requesting that the Office accept payment at the rates for other than a small entity of the maintenance fees paid in 1989 and in 1994 for the above-identified patent.¹

The petition is granted.

The statement asserts that status as a small entity was established during prosecution of the application, and fees, including the issue fee, were paid as a small entity.

Subsequent to the issuance of the patent, but before the payment of the first and second maintenance fees, the statement asserts, a licensing agreement with a large entity resulted in a change of status for maintenance fee payment purposes, but counsel for patentees was not notified as to the licensing agreement.

¹ Any paper submitted under 37 CFR 1.28(c) is considered by the Office of Petitions. MPEP § 509.03.

The statement further asserts that on November 7, 1995, counsel for patentees first became aware of the licensing agreement, and thus, the true status of this patent for maintenance fee payment purposes.


In view of the submission of the previous deficiencies in payment, and the explanation by counsel as to how the error in status occurred in good faith, and how the error was discovered, the request to accept other than small entity status for the two maintenance fee payments is granted.²

The statement is also being accepted as a notification of change in status by the counsel of record under 37 CFR 1.28(b).

This patent file is being forwarded to Maintenance Fee Division to update Office records so as to reflect the change in maintenance fee payment status to other than small entity.

Thereafter, this patent file will be returned to the Files Repository.

Inquiries related to this decision should be directed to Special Projects Examiner Brian Hearn at (703) 305-1820.



Abraham HersHKovitz
Director, Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

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² A maintenance fee improperly paid as a small entity is treated under 37 CFR 1.28(c) and will not be considered to involve expiration of the patent. MPEP § 509.03 ¶ (12).